

662-393-4450

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BK 2,367 PG 703
DESOTO COUNTY, MS
W.E. DAVIS, CH CLERK

05-1509

ASSIGNMENT OF DEED OF TRUST

This Assignment of Deed of Trust has been executed in duplicate for simultaneous recording in Desoto and Tunica Counties, Mississippi and shall be construed as one instrument.

THIS ASSIGNMENT entered into this 14th day of November, 2005 by and between Rutledge Investment Company, Suite One, 5160 Sanderlin Avenue, Memphis, Tennessee 38117 (hereinafter referred to as "Assignor" and The Prudential Insurance Company of America, 801 Warrenville Road, Suite 150, Lisle, Illinois 60532-1357 (hereinafter referred to as "Assignee").

RECITALS

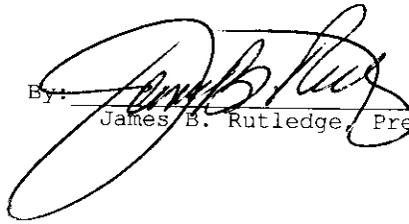
1. Assignor is the owner and holder of a Note dated November 14, 2005 in the original principal amount of \$2,550,000 (the "Note"). The Note is secured by a Deed of Trust executed by Dennis M. McLemore and Tammy C. McLemore to Assignor and duly filed for record in the office of the Register of Deeds of Desoto, County, Mississippi in Book 2358, Page 358 (the "Deed of Trust") covering real property described in Exhibit "A" attached hereto and incorporated herein.
2. Assignor has the lawful right to endorse the Note and assign the Deed of Trust to Assignee.
3. Assignee desires to purchase the Note and have assigned to it all security instruments held by Assignor securing repayment of the Note including, but not limited to the Deed of Trust.

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

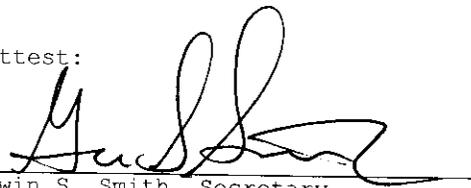
1. Assignor does hereby sell, assign, transfer, convey, endorse, set over and deliver to Assignee the Deed of Trust together with the Note, debt and claim secured by said Deed of Trust, and all liens, collateral assignments and security instruments created under, with or related to the Deed of Trust or the Note.
2. The Assignor does represent and warrant that it is the owner of the Deed of Trust and Note secured thereby and fully authorized and empowered to make the Assignment contained herein.

IN WITNESS WHEREOF, this Assignment is executed the date above indicated.

RUTLEDGE INVESTMENT COMPANY

By: 
James B. Rutledge, President

Attest:


Gwin S. Smith, Secretary

B+B

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DEKOTO AND TUNICA COUNTIES, MISSISSIPPI

Part of Section 31 and 32, Township 2 South, Range 9 West; part of Section 6, 7 and 18, Township 3 South, Range 9 West, Deakota County, Mississippi, and part of Sections 13, Township 3 South, Range 10 West, Tunica County, Mississippi, more particularly described as follows:

Beginning at the point of intersection of the west line of said Section 18 with the center line of Mississippi Highway No. 304; Thence North 0 degrees 19 minutes East along the west line of said Sections 10, 7, 6 and 31, a distance of 16,447.0 feet to a point at the Northwest corner of said Section 31; thence South 89 degrees 18 minutes East along the North line of said Sections 31 and 32, a distance of 6,267.0 feet to a point; thence South 12 degrees 02 minutes East 2,000.0 feet to a point; thence South 31 degrees 07 minutes West 400.0 feet to a point; thence South 15 degrees 36 minutes West 535.0 feet to a point; thence South 31 degrees 31 minutes West 942.0 feet to a point; thence South 26 degrees 01 minute West 1,977.19 feet to a point; thence South 22 degrees 16 minutes West 2,300.0 feet to a point; thence South 11 degrees 27 minutes West 418.94 feet to a point; thence South 06 degrees 44 minutes West 181.58 feet to a point; thence South 15 degrees 38 minutes West 391.90 feet to a point; thence South 21 degrees 21 minutes West 211.30 feet to a point; thence South 06 degrees 40 minutes West 260.72 feet to a point; thence South 01 degrees 49 minutes West 315.56 feet to a point; thence South 12 degrees 10 minutes West 358.93 feet to a point; thence South 15 degrees 14 minutes West 240.85 feet to a point; thence South 01 degrees 42 minutes East 244.13 feet to a point; thence South 04 degrees 02 minutes West 994.20 feet to a point; thence South 09 degrees 33 minutes West 599.55 feet to a point; thence South 46 degrees 14 minutes West 1,680.0 feet to a point; thence South 01 degree 46 minutes East 235.0 feet to a point; thence South 12 minutes West 150.0 feet to a point; thence South 42 degrees 10 minutes West 400.0 feet to a point; thence South 20 degrees 10 minutes West 525.0 feet to a point; thence South 22 degrees 50 minutes East 400.0 feet to a point; thence South 17 degrees 54 minutes West 399.30 feet to a point; thence South 38 degrees 25 minutes East 474.79 feet to a point; thence South 20 degrees 01 minute East 251.21 feet to a point; thence South 0 degrees 04 minutes West 156.66 feet to a point; thence South 09 degrees 58 minutes East 233.20 feet to a point; thence South 02 degrees 18 minutes West 138.33 feet to a point; thence South 04 degrees 19 minutes East 188.97 feet to a point; thence South 16 degrees 04 minutes West 195.54 feet to a point; thence South 31 degrees 55 minutes West 87.14 feet to a point; thence South 66 degrees 35 minutes West 183.05 feet to a point; thence South 35 degrees 29 minutes West 84.28 feet to a point; thence South 01 degree 14 minutes West 61.0 feet to a point in the center line of said Mississippi Highway No. 304; thence South 05 degrees 11 minutes West 587.9 feet to a point; thence South 17 degrees 39 minutes West 367.18 feet to a point; thence South 19 degrees 30 minutes West 508.29 feet to a point; thence South 05 degrees 42 minutes West 208.75 feet to a point; thence South 24 degrees 29 minutes West 216.99 feet to a point; thence South 04 degrees 11 minutes West 310.45 feet to a point in the one-half section line of said Section 18; thence North 89 degrees 57 minutes West along the one-half section

line of said Section 18 and 13 a distance of 4,168.8 feet to a point in the center of said Section 13; thence South 0 degrees 07 minutes East along the one-half Section line of said Section 13 to the Southeast corner of the Southwest Quarter of said Section 13; thence run West along and on the South boundary line Section 13 to the Southwest corner of said Section 13, Township 3 South Range 10 West; thence North 0 degrees, 02 minutes West along the West line of said Section 13 a distance of approximately 4429.72 feet to a point in the southerly line of Mississippi Highway No. 304; thence North 82 degrees, 01 minute East along the southerly line of Mississippi Highway No. 304 a distance of 506.37 feet to a point at the beginning of a curve to the right having a radius of 11,383.71 feet; thence continuing eastwardly along the arc of said curve 29.2 feet to a point at the northwest corner of a school site; thence South 02 degrees 14 minutes East 241.62 feet to a point at the southwest corner of said school site; thence North 87 degrees 46 minutes East 120.0 feet to a point at the southeast corner of said school site; thence North 02 degrees 14 minutes West 252.75 feet to a point in the arc of said curve at the Northeast corner of said school site; thence eastwardly along the arc of said curve 99,47 feet to a point at the end of said curve; thence North 87 degrees 29 minutes East along the southerly line of Mississippi Highway No. 304 a distance of 3,710.43 feet to a point in the West line of said Section 18; thence North 0 degrees 19 minutes East along the West line of said Section 18 a distance of 75.07 feet to the point of beginning. ⊗

The above description includes 4.36 acres in the Mississippi Highway No. 304 right of way.

The area of the above described property is as follows:

DESOLO COUNTY: Section 18, Township 3, Range 9, 114.97 acres less 4.36 acres in highway right of way = 110.61 acres; Section 7, Township 3 Range 9 - 306.78 acres; Section 6, Township 3, Range 9 - 502.09 acres; Section 31, Township 2, Range 9 - 656.36 acres; and Section 32, Township 2 Range 9 - 101.78 acres.

TONICA COUNTY: Section 13, Township 3, Range 10 - 404.66 acres, making a total of 2,082.28 acres.

Together with the following lands: East Half of Section 30, Township 2, Range 9 West in DeSoto County, Mississippi, containing 320.20 acres, more or less.

All of said lands containing 2,402.46 acres, more or less. Subject and subordinate to all rights of way and easements of public or quasi public nature and subject to all conveyances or reservations heretofore made by former owners.

⊗ This property being situated in the: ^{North West} Northwest, Northeast, Southwest, Southeast quarters or ^{Sec 31} Section 31, Township 2, Range 9, Northwest, Northeast, Southwest, Southeast quarters of Section 6, Township 3, Range 9, Northwest, Northeast, Southwest quarters or Section 7, Township 3, Range 9, Northwest, Southwest quarters of Sec 18, Township 3 Range 9, Northwest, Southwest quarters of Sec 32, Township 2, Range 9.

LESS AND EXCEPT THE FOLLOWING:

Begin at the point of intersection of the Western line of Defendants property with the centerline of survey of State Route 713 as shown on the right-of-way appraisal map for State Project No. 94-0072-00-003-12 at Highway Survey Station 4 + 046.554; from said point of beginning run thence North 00° 14' West along said Western property line, a distance of 148.493 meters (487.182 feet); thence Northeasterly along a line that is 80.000 meters (262.467 feet) Northwesterly of and parallel with the centerline of survey of said State Route 713, an arc distance of 302.496 meters (992.441 feet) [said arc having a chord bearing of North 26° 43' West for a distance of 302.080 meters (991.076 feet)]; thence South 68° 29' East, a distance of 40.000 meters (131.234 feet) to a point that is 40.000 meters (131.234 feet) Northwesterly of and perpendicular to the centerline of survey of said State Route 713 at Station 4 + 489.315; thence North 21° 31' East along a line that is

40.000 meters (131.234 feet) Northwesterly of and parallel with the centerline of survey of said State Route 713, a distance of 735.685 meters (2413.665 feet); thence North $48^{\circ} 56'$ West, a distance of 61.476 meters (202.579 feet); thence North $82^{\circ} 16'$ West, a distance of 75.664 meters (248.241 feet) to a point that is 40.000 meters (131.234 feet) Southerly of and perpendicular to the centerline of survey of Green River Road at Station 10 + 200; thence North $87^{\circ} 00'$ West, a distance of 200.250 meters (656.988 feet); thence North $00^{\circ} 09'$ East, a distance of 60.000 meters (196.850 feet); thence North $83^{\circ} 18'$ East, a distance of 251.794 meters (826.096 feet); thence North $76^{\circ} 14'$ East, a distance of 148.905 meters (488.533 feet) to a point that is 40.000 meters (131.234 feet) Northwesterly of and perpendicular to the centerline of survey of said State Route 713 at Station 5 + 425; thence North $21^{\circ} 31'$ East along a line that is 40.000 meters (131.234 feet) Northwesterly of and parallel with the centerline of survey of said State Route 713, a distance of 519.898 meters (1705.702 feet); thence North $19^{\circ} 41'$ East, a distance of 256.216 meters (840.604 feet); thence North $11^{\circ} 42'$ East, a distance of 101.980 meters (334.580 feet); thence North $40^{\circ} 52'$ West, a distance of 50.213 meters (164.741 feet) to a point that is 50.000 meters (164.042 feet) Southerly of and perpendicular to the centerline of survey of State Route 304 relocation at Station 14 + 050, the centerline of survey of State Route 304 Relocation intersects the centerline of survey of Fly Over of said project at Station 6 + 449.511; thence South $80^{\circ} 09'$ West along a line that is 50.000 meters (164.042 feet) Southerly of and parallel with the centerline of survey of State Route 304 relocation of said project, a distance of 495.773 meters (1626.552 feet); thence Westerly along a line that is 50.000 meters (164.042 feet) Southerly of and parallel with the centerline of survey of State Route 304 relocation having a radius of 3545.000 meters (11630.577 feet), an arc distance of 302.361 meters (991.998 feet) [said arc having a chord bearing of South $82^{\circ} 36'$ West for a distance of 302.269 meters (991.696 feet)] to the Western line of Defendants property; thence North $00^{\circ} 13'$ West along said Western property line, a distance of 50.174 meters (164.613 feet) to the centerline of survey of said State Route 304 relocation at Station 13 + 260.274; thence North $00^{\circ} 13'$ West along said Western property line, a distance of 50.179 meters (164.629 feet); thence Easterly along a line that is 50.000 meters (164.042 feet) Northerly of and parallel with the centerline of survey of said State Route 304 relocation having a radius of 3445.000 meters (11302.493 feet), an arc distance of 285.545 meters (936.827 feet) [said arc having a chord bearing of North $82^{\circ} 32'$ East for a distance of 285.464 meters (936.562 feet)]; thence North $78^{\circ} 11'$ East, a distance of 145.859 meters (478.540 feet); thence North

81° 47' East, a distance of 174.071 meters (574.380 feet); thence North 80° 09' East along a line that is 50.000 meters (164.042 feet) Northerly of and parallel with the centerline of survey of said State Route 304 relocation of said project, a distance of 200.000 meters (656.168 feet); thence North 46° 41' East, a distance of 211.935 meters (695.325 feet) to a point that is 65.000 meters (213.255 feet) Northwesterly of and perpendicular to the centerline of survey of Fly Over of said project at Station 6 + 600; thence North 50° 32' East, a distance of 115.044 meters (377.441 feet); thence Easterly along a line that is 50.000 meters (164.042 feet) Northerly of and parallel with the centerline of survey of Fly Over of said project having a radius of 450.000 meters (1476.378 feet), an arc distance of 393.750 meters (1291.831 feet) [said arc having a chord bearing of North 75° 19' East for a distance of 381.309 meters (1251.014 feet)]; thence South 62° 02' East, a distance of 165.208 meters (542.021 feet); thence South 64° 55' East, a distance of 130.263 meters (427.372 feet); thence South 86° 06' East, a distance of 136.669 meters (448.389 feet) to a point that is 50.000 meters (164.042 feet) Northerly of and measured radially to the centerline of survey of said Mississippi Highway No. 304 relocation at Station 15 + 100; thence North 82° 55' East, a distance of 76.072 meters (249.580 feet); thence North 04° 58' East, a distance of 132.539 meters (434.839 feet) to a point that is 180.000 meters (590.551 feet) Northerly of and measured radially to the centerline of survey of Mississippi Highway No. 304 Relocation at Station 15 + 200, said point being hereby designated as Point "A" for future reference; thence North 01° 54' East, a distance of 52.875 meters (175.474 feet) to a point that is 30.000 meters (98.425 feet) Westerly of and perpendicular to the centerline of survey of Frontage Road "A" at Station 0 + 600; thence North 03° 43' West, a distance of 123.250 meters (404.364 feet) to a point that is 25.000 meters (82.021 feet) Westerly of and perpendicular to the centerline of survey of said Frontage Road "A" at Station 0 + 725, said point being hereby designated as Point "B" for future reference; thence North 80° 26' East, a distance of 50.000 meters (164.042 feet) to a point that is 25.000 meters (82.021 feet) Easterly of and perpendicular to the centerline of survey of said Frontage Road "A" at Station 0 + 725, said point being hereby designated as Point "C" for future reference; thence South 09° 40' East, a distance of 86.979 meters (285.364 feet); thence South 48° 03' East, a distance of 7.058 meters (23.156 feet) to a point on the Eastern line of Defendants property, said point being hereby designated as Point "D" for future reference; thence South 12° 21' East along said Eastern property line, a distance of 269.629 meters (884.610 feet) to the centerline of survey of said Mississippi Highway No. 304 relocation; thence South 12°

21' East along said Eastern property line, a distance of 75.264 meters (246.929 feet); thence South 83° 28' West, a distance of 12.410 meters (40.715 feet); thence South 11° 20' West, a distance of 63.593 meters (208.638 feet); thence South 10° 40' East, a distance of 49.207 meters (161.440 feet) to a Southeastern line of Defendants property; thence South 30° 52' West along said Southeastern property line, a distance of 64.467 meters (211.506 feet); thence South 15° 21' West along said Southeastern property line, a distance of 22.880 meters (75.066 feet) to a point hereby designated as Point "E" for future reference; thence North 22° 47' West, a distance of 23.386 meters (76.726 feet) to a point hereby designated as Point "F" for future reference; thence North 22° 47' West, a distance of 108.965 meters (357.496 feet); thence North 21° 13' West, a distance of 85.090 meters (279.167 feet) to a point that is 50.000 meters (164.042 feet) Southerly of and measured radially to the centerline of survey of said Mississippi Highway No. 304 Relocation at Station 15 + 175; thence South 83° 15' West, a distance of 34.499 meters (113.186 feet); thence South 45° 28' West, a distance of 24.737 meters (81.158 feet); thence South 82° 18' West, a distance of 39.256 meters (128.793 feet); thence North 60° 52' West, a distance of 24.737 meters (81.158 feet) to a point that is 50.000 meters (164.042 feet) Southerly of and measured radially to the centerline of survey of said Mississippi Highway No. 304 relocation at Station 15 + 60; thence South 80° 54' West, a distance of 89.607 meters (293.986 feet); thence South 80° 09' West along a line that is 50.000 meters (164.042 feet) Southerly of and parallel with the centerline of survey of said Mississippi Highway No. 304 relocation, a distance of 344.090 meters (1128.904 feet) to a point that is 50.000 meters (164.042 feet) Southerly of and measured radially to the centerline of survey of said Mississippi Highway No. 304 relocation at Station 14 + 625; thence South 71° 37' West, a distance of 52.737 meters (173.022 feet); thence South 05° 57' West, a distance of 22.189 meters (72.799 feet); thence South 76° 10' West, a distance of 38.434 meters (126.096 feet); thence North 55° 37' West, a distance of 17.830 meters (58.497 feet) to a point that is 25.000 meters (82.021 feet) Southerly of and measured radially to the centerline of survey of Ramp "A" at Station 6 + 640 for said project; thence South 65° 31' West, a distance of 38.886 meters (127.579 feet); thence South 62° 39' West, a distance of 48.605 meters (159.465 feet); thence South 00° 29' West, a distance of 28.837 meters (94.610 feet); thence South 58° 50' West, a distance of 37.775 meters (123.934 feet); thence North 62° 49' West, a distance of 28.837 meters (94.610 feet) to a point that is 25.000 meters (82.021 feet) Southeasterly of and measured radially to the centerline of survey of said Ramp "A" at Station 6 + 480; thence South 54° 03' West, a

distance of 77.752 meters (255.092 feet); thence South 45° 22' West, a distance of 97.023 meters (318.317 feet); thence South 41° 57' West, a distance of 96.617 meters (316.985 feet); thence South 38° 32' West, a distance of 97.023 meters (318.317 feet); thence South 29° 13' West, a distance of 97.172 meters (318.806 feet); thence South 22° 50' West, a distance of 53.068 meters (174.108 feet) to a point that is 40.000 meters (131.234 feet) Easterly of and measured radially to the centerline of survey of said Ramp "A" at Station 5 + 944.898; thence South 21° 31' West, a distance of 519.898 meters (1705.702 feet); thence South 86° 58' East, a distance of 231.259 meters (758.724 feet); thence South 75° 49' East, a distance of 103.078 meters (338.182 feet) to a point that is 30.000 meters (98.425 feet) Northerly of and perpendicular to the centerline of survey of Green River Road at Station 9 + 600; thence South 00° 09' West, a distance of 60.000 meters (196.850 feet) to a point that is 30.000 meters (98.425 feet) Southerly of and perpendicular to the centerline of survey of said Green River Road at Station 9 + 600; thence North 89° 52' West, a distance of 120.000 meters (393.701 feet); thence South 26° 42' West, a distance of 22.361 meters (73.363 feet); thence North 89° 52' West along a line that is 50.000 meters (164.042 feet) Southerly of and parallel with the centerline of survey of said Green River Road, a distance of 70.000 meters (229.659 feet); thence North 00° 09' East, a distance of 20.000 meters (65.617 feet) to a point that is 30.000 meters (98.425 feet) Southerly of and perpendicular to the centerline of survey of said Green River Road at Station 9 + 800; thence South 77° 05' West, a distance of 190.545 meters (625.148 feet); thence South 21° 31' West along a line that is 40.000 meters (131.234 feet) Easterly of and parallel with the centerline of survey of State Route 713, a distance of 785.685 meters (2577.707 feet); thence Southwesterly along a line that is 40.000 meters (131.234 feet) Southeasterly of and parallel with the centerline of survey of said State Route 713 having a radius of 1785.000 meters (5856.299 feet), an arc distance of 339.237 meters (1112.982 feet) [said arc having a chord bearing of South 26° 57' West for a distance of 338.727 meters (1111.309 feet)]; thence South 32° 24' West along a line that is 40.000 meters (131.234 feet) Southeasterly of and parallel with the centerline of survey of said State Route 713, a distance of 7.680 meters (25.197 feet); thence South 05° 50' West, a distance of 55.902 meters (183.406 feet); thence South 32° 24' West along a line that is 65.000 meters (213.255 feet) Southeasterly of and parallel with the centerline of survey of said State Route 713, a distance of 90.000 meters (295.276 feet); thence South 55° 01' West, a distance of 42.641 meters (139.898 feet) to the said Western line of Defendants property; thence North 00° 14' West along said Western property line, a distance of

90.139 meters (295.732 feet) to the point of beginning, containing 70.317 hectares (173.756 acres), more or less, and being situated in and a part of the Northwest 1/4, Northeast 1/4, Southwest 1/4 and the Southeast 1/4 of Section 31, Northwest 1/4 of Section 32, Township 2 South, Range 9 West and the Southwest 1/4 and the Northwest 1/4 of Section 6, Township 3 South, Range 9 West, Desoto County, Mississippi.

Together with any and all abutters rights of access, if any, in, to, over, on and across the above described parcel of land, except that such remaining property shall have access between Point "A" and Point "B" and between Point "C" and Point "D" and between Point "E" and Point "F" as designated above.

All of the above excepting and excluding therefrom all oil and gas and other minerals which may be produced through a well bore.